



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **MARY ORR**,
Chair, Humboldt General Hospital District,
Humboldt County, State of Nevada,

**Request for
Opinion No. 09-22C**

Subject.

**NOTICE OF HEARING
and
PANEL DETERMINATION**
NRS 281A.440(3),(8) and NAC 281A.450

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Mary Orr (Orr) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281A of the Nevada Administrative Code.

The purposes of the hearing are to determine whether a violation of the Nevada Ethics in Government Law occurred and, if a violation is found, whether such violation is willful and whether any penalties will be imposed by the Nevada Commission on Ethics (Commission), pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

**October 8, 2009 beginning at 9:00 a.m., or as soon thereafter as the
Commission is able to hear the matter, at the following location:**

**Nevada Legislative Building
401 S. Carson Street
Room No. 3143
Carson City, NV.**

Orr must be present when this matter is called. If Orr is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination below. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469, ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. Orr has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on her behalf.

Orr has the right to request that the Commission issue subpoenas on her behalf to compel witnesses to testify and/or produce evidence. In making this request, she may be required to demonstrate the relevance of the witnesses' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, and NAC 281A. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Facts and Jurisdiction

An Ethics Complaint was filed against Orr alleging violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.420(2) and (4), when she failed to disclose and abstain from voting on matters in which she had a conflict of interest, as described more fully described in the Panel Proceedings below.

In her public capacity, at the time of the alleged conduct, Orr was and still is the Chair for the Humboldt General Hospital District (HGH), a public officer as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On May 27, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners George Keele and Paul Lamboley reviewed the following: Ethics Complaint; Orr's response to the Complaint; Investigator's Report; Executive Director's Recommendation and the evidence collected by Commission staff.

The following are the Panel's unanimous findings and conclusions:

1. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Orr violated NRS 281A.420(4) on March 31, 2009, when she failed to disclose her private commitment to her employer, Humboldt Hospice, prior to taking action on a matter affecting Humboldt Hospice. The matter at issue pertained to a "check run" containing an approval of a payment to Humboldt Hospice in the amount of \$200.
2. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Orr violated NRS 281A.420(2) on March 31, 2009, when she voted to approve the "check run" that contained approval of a payment in the amount of \$200 to Orr's employer, Humboldt Hospice.

Therefore, the above two allegations are referred to the Commission for a hearing to render an opinion.

3. Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Orr violated NRS 281A.420(2) and/or (4) on January 27, 2009,

when HGH voted to approve a payment of \$3,200 to Humboldt Hospice, Orr's employer. Orr did not attend this meeting and therefore, did not vote on this payment.

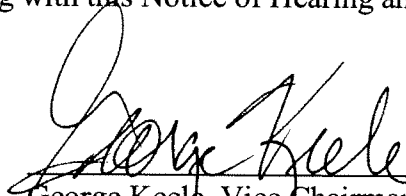
4. Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Orr violated NRS 281A.420(2) and/or (4) on February 24, 2009, when she voted to approve payment of the salaries for the HGH Board of Trustees, including her own.

Therefore, the above two allegations are dismissed.


The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for a hearing to render an opinion on the first and second allegations only, as described in Item Nos. 1 and 2 above.

The investigation materials that the panel relied upon in reaching its conclusion are being provided to Orr's counsel, Kent Maher, Esq., along with this Notice of Hearing and Panel Determination.

Dated: May 29, 2009


George Keele, Vice Chairman
Panel Member

Dated: 06.02.09


Paul Lambole, Commissioner
Panel Member

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION** and the investigation materials in Request for Opinion No. 09-22C in an envelope and caused same to be mailed via certified mail return receipt requested through the State of Nevada Mailroom to Orr's Counsel and a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION** to Orr and the Complainant via certified mail return receipt requested through the State of Nevada Mailroom addressed as follows:

Mary Orr, Chair
Humboldt General Hospital District
705 E. 4th Street
Winnemucca, NV 89445

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O. Kent Maher
Attorney at Law
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Allen Violette, Complainant
4135 Autumn Hills Dr.
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DATED:

06/03/09



An employee, Nevada Commission on Ethics